

# **Town Board Minutes**

February 4, 2008

Meeting No. 4

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 4<sup>th</sup> day of February 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the Town Board entered into Executive Session for the announced purpose of receiving counsel from Town Attorney.

At 10:29 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

**PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- Sale of Lancaster Raceway
- town facility on Walden Avenue

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Cross Creek Subdivision
- School Resource Officer
- 

**Ostrom, David**, 12 Transit Blvd., spoke to the Town Board on the following matters:

- requests the Town grind tree stumps in Northwood Village

**Savatteri, Diane**, 289 Stony Road, spoke to the Town Board on the following matter:

- Cross Creek Subdivision

**Di Santo, Frank**, 251 Stony Road, spoke to the Town Board on the following matters:

- flooding in Ellicott Creek
- water lines & storm sewers in Cross Creek Subdivision

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- Cross Creek Subdivision
- Ellicott Creek

**Fichtner, Bill**, 655 Harris Hill Road, spoke to the Town Board on the following matter:

- condemned house next door

**Jeff Geblein, Ken Graber, Tom Fox, Richard Goss & Joe Casimino** gave a presentation to the Town Board on the progress of the band shelter plans at Oxford Park.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:32 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster to limit parking time on Shadyside Lane.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Dave Kerchoff	37 Shadyside Lane	Proponent
Lee Chowaniec	93 Northwood Drive	Comments
Mary Ann Kerchoff	37 Shadyside Lane	Proponent
Bill Janiga	56 Pheasant Run Lane	Proponent

ON MOTION BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:49 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

February 4, 2008

**PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:**

At 8:49 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster to prohibit parking in designated locations on Country Place.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Diane Sagliani	20 Quail Hollow	Proponent (also requested Stop signs)
Ann Sebastian	25 Country Place	Proponent
Nick Sagliani	20 Quail Hollow	Proponent
Ann Kilger	48 Country Place	Proponent
Tim Brown	19 Petersbrook Circle	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 9:00 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

February 4, 2008

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
January 22, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, by resolution adopted November 5, 2007, the Town Board  
authorized the Chief of Police to execute all documents in conjunction with a grant from the  
Division of Criminal Justice Services for Total Station equipment, and

**WHEREAS**, only the Chief Executive Officer such as the Supervisor is  
authorized to execute such documents.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the resolution adopted November 5, 2007 authorizing the  
Chief of Police to execute all documents in conjunction with a grant from the Division of  
Criminal Justice Services (DCJS) is hereby rescinded

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Senator Dale Volker has secured a grant for the Town of Lancaster Police Department through the New York State Division of Criminal Justice Services in the amount of \$10,000 to be used to purchase a piece of equipment know as a Total Station that will be used to assist investigators in measurements at fatal and serious motor vehicle accidents and criminal scenes, and

**WHEREAS**, matching funds will be required from the Town of Lancaster in the amount of \$1,111 to obtain this grant, and

**WHEREAS**, the Town Board deems it in the public interest to implement such a grant;

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board of the Town of Lancaster hereby authorizes and directs the Supervisor to execute all documents pertaining to the application and acquisition of said funds for the purpose of securing the grant in the amount of \$10,000 with matching funds from the Town of Lancaster in the amount of \$1,111 for the equipment known as a Total Station.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has authorized the Lancaster Justice Court to initiate and establish a Drug Court in the Town of Lancaster, and

**WHEREAS**, as this court becomes established, it shall become a vital component in the judicial treatment of criminal offenders, and

**WHEREAS**, it is necessary to receive formal training in order to be recognized as an established “drug court”, and

**WHEREAS**, Town Justice Mark Montour and a Court Clerk will be attending a training conference conducted by the New York Association of Drug Treatment Court Professionals at the Adams Mark Hotel in Buffalo, New York from March 5, 2008 through March 7, 2008, and

**WHEREAS**, Town Justice Mark Montour by letter dated January 18, 2008 has requested approval of Maura Beres, who is a professional treatment service provider from Kaleida Health volunteering her time to the Drug Court Program, to attend this program also.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Maura Beres is authorized to attend a training conference conducted by the New York Association of Drug Treatment Court Professionals at the Adams Mark Hotel in Buffalo, New York from March 5, 2008 through March 7, 2008.

**BE IT FURTHER**

**RESOLVED**, that expense reimbursement be and is hereby authorized in an amount not to exceed \$275, and

**BE IT FURTHER**

**RESOLVED**, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**WHEREAS**, according to New York State Election Law, effective January 1, 2006, the Erie County Board of Elections assumed the duties/responsibilities for conducting Primary and General Elections, and

**WHEREAS**, the Erie County Board of Elections has notified the Town Clerk that they have need of the use of certain Town of Lancaster buildings as polling places for the conduct of the Presidential Primary, September Primary and November General Election in 2008, and

**WHEREAS**, the Erie County Board of Elections has requested a lease agreement for such use.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is authorized to execute an agreement with the Erie County Board of Elections to permit use of certain buildings, namely the Youth Bureau, Senior Citizens Center, and the Town Court Building as polling places for the conduct of the Presidential Primary, September Primary and November General Election in 2008.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter dated January 23, 2008 has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the following addition to the membership of the Bowmansville Volunteer Fire Association:

**ADDITION** - Probationary Active Member:

Brian MacPeck  
203 Broezel Avenue  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster is desirous of accepting new members to the roster of the Emergency Management Team.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the following new members of the Emergency Management Team:

**PROBATIONARY ACTIVE MEMBERS**

Kathryn Melonson	Penny Prestia
13 Cambridge Court	3986 Walden Avenue
Lancaster, New York	Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS,** the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

**WHEREAS,** funds have been provided in the current 2008 General Town Budget for the 2008 Tree Planting Program, and

**WHEREAS,** the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

**NOW, THEREFORE, BE IT**

**RESOLVED,** as follows:

1. That sealed bids be received by the Town Clerk up to 10:00 A.M., Local Time, on February 21, 2008 for meeting the requirements of the Town of Lancaster's 2008 Tree Planting Program and for supplying trees in accordance with specifications on file in the Town Clerk's Office, and
2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

**LEGAL NOTICE**

**TOWN OF LANCASTER  
NOTICE TO BIDDERS  
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk or her designee up to 10:00 A.M., Local Time, on February 21, 2008 at her office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 2008 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, JBC Properties, LLC**, 5077 Transit Road, Lancaster, New York, has submitted an application for a Special Use Permit for the service and sale of new and used motorized vehicles in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster to be located at 5077 Transit Road, Lancaster, New York, and

**WHEREAS**, the property is currently zoned CMS - Commercial Motor Service which permits the service and sale of motor vehicles only where a special use permit is granted by the Town Board of the Town of Lancaster after a public hearing, and

**WHEREAS**, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for the service and sale of new and used motorized vehicles on premises locally known as 5077 Transit Road, Lancaster, New York in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 25<sup>th</sup> day of February, 2008, 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT  
JBC Properties, LLC  
5077 Transit Road, Lancaster, New York**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 4th day of February, 2008 the said Town Board will hold a Public Hearing on the 25th day of February, 2008, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of JBC Properties, LLC, for a Special Use Permit for the service and sale of new and used motorized vehicles on premises locally known as 5077 Transit Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:       JOHANNA M. COLEMAN  
Town Clerk**

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, RJF Development, 5633 Broadway, Lancaster, New York has applied to the Town Board of the Town of Lancaster for permits for Public Improvements upon real property in the Town of Lancaster within Cross Creek Subdivision, and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application Nos. 634, 635, 636, 637 and 638 of RJF Development, 5633 Broadway, Lancaster, New York, which are permits for Public Improvements for the installation of:

P.I.P. No. 634 (Water Line)	Construction of “Cross Creek” Phase One on Covington Lane, 300± LF 8 PVC (C-900), 100± LF 8" D.I.P. (Class 52), 1-8" line valve
P.I.P. No.635 (Water Line)	Construction of “Cross Creek” Phase One on Tranquility Trail, Middlebury Lane, Covington Ln., 1255± LF-10" PVC (C-900), 60± LF-10" D.I.P. (Class 52), 875± LF-8" PVC (C-900) waterline, 3 hydrant assemblies, 3-10" line valves, 1-8" line valve, 2 - 2" permanent blow - off assemblies.
P.I.P. No. 636 (Storm Sewer)	Construction of “Cross Creek” Phase One on Tranquility Trail, Middlebury Lane, Covington Lane, & Pleasant View Dr., 428± LF-30" HDPE, 360± LF-24" HDPE, 483± LF-18" HDPE, 1957± LF-15" HDPE, 1089± LF-12" HDPE, 1068± LF-10" HDPE, 628± LF-8" HDPE 5 ea. Field Inlets Pleasant View Dr., 14 ea. Backyard (B.Y.) rcvrs., 14 ea. Light Duty (L.D.) rcvrs., 19 ea. std. road rcvrs., 23 ea. 48" dia. st. manholes, 1 ea. sed. chamber and all erosion and sediment control measures as indicated on shts. 53 & 54A and detailed on 54B.
P.I.P. No. 637 (Pavement & Curbs)	Construction of “Cross Creek” Phase One on Tranquility Trail, Middlebury Lane, Covington Lane, 88,200± SF of 24' wide asphaltic conc. pavement, 12" sub-base, No. 2 R.O.C. compacted (NYSDOT 304.03), 4" sub-base Type 1 (NYSDOT 403.11), 2" Dense Binder Type 3 (NYSDOT 403.13), 1" Top Type 7 (NYSDOT 403.18), 5340± LF-20" or 24" up-right conc. curb w/6" perforated underdrain.
P.I.P. No. 638 (Detention Basin)	Construction of “Cross Creek” Phase One on w/s Tranquility Trail, rear of sublots 10 & 11 a detention pond, 18± LF-30" HDPE, 110± LF-15' wide emergency spillway

be and are hereby authorized.  
The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, 81 & 3 of Florida**, 6495 Transit Road, Bowmansville, New York 14026, the contract vendee for the rezone of a parcel of land located on 4745 William Street, Lancaster, New York has petitioned the Town Board of the said Town for the rezone of said property from a Residential District One (R-1) to General Business (GB), and

**WHEREAS**, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 25th day of February, 2008, at 8:35 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on February 7, 2008, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

**LEGAL NOTICE  
REZONE - PUBLIC HEARING  
4745 WILLIAM STREET  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on February 4, 2008, the said Town Board will hold a Public Hearing on the 25<sup>th</sup> day of February, 2008 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from Residential District One (R-1) to General Business (GB):

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York being part of Lot 95, Township 10, Range 6 of the Buffalo Creek Reservation, and more particularly described as follows:

**COMMENCING** at the intersection of the recorded center line of Transit Road (State Rt. 78) (width varies), being the west line of Lot 95 and the center line of William Street (County Rt. 145) (width varies),

**THENCE** N 88 degrees 39 minutes 12 seconds east along center line of William Street for a distance of 622.90 feet to a point on the center line of William Street;

**THENCE**, N 88 degrees 35 minutes 30 seconds east along center line of William Street for a distance of 84.15 feet to a point on the center line of William Street;

**THENCE** S 00 degrees 05 minutes 30 seconds west a distance of 25.01 feet southerly to the southerly R.O.W. of William Street;

**THENCE** N 88 degrees 35 minutes 30 seconds east for a distance of 141.02 feet along the southerly right of way of William Street, to the true point of beginning.

**THENCE**, N 88 degrees 35 minutes 30 seconds east, along the south line of William Street for a distance of 169.48 feet to a point on a line.

**THENCE** S 00 degrees 05 minutes 30 seconds west, parallel with the west line of lot 95, for a distance of 150.00 feet to a point on a line.

**THENCE** S 88 degrees 35 minutes 30 seconds west parallel with the south line of William Street for a distance of 169.48 feet to a point on a line,

**THENCE**, N 00 degrees 05 minutes 30 seconds east parallel with the west line of Lot 95, for a distance of 150.00 feet to the true point of beginning.

CONTAINING 25,413 SQUARE FEET OR 0.583 MORE OR LESS ACRES

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, a Public Hearing was held on the 22nd day of January, 2008, for the purpose of amendment to Chapter 22, “Sanitary Landfills and Dumping” of the Code of the Town of Lancaster, and persons for and against such amendment have had an opportunity to be heard, and

**WHEREAS**, Notice of said Public Hearing was duly published and posted,

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

- 1. That Chapter 22, “Sanitary Landfills and Dumping” Ordinance of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
- 2. That said amendments be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 4<sup>th</sup> day of February, 2008,
- 3. That a certified copy thereof be published in the Lancaster Bee on February 7, 2008;
- 4. That a certified copy of these amendments be posted on the Town Bulletin Board;
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

**LEGAL NOTICE**  
**NOTICE OF ADOPTION OF AMENDMENT TO**  
**SANITARY LANDFILLS AND DUMPING ORDINANCE**  
**OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**  
**DESIGNATED CHAPTER 22 OF THE CODE OF THE TOWN OF LANCASTER**

The “Sanitary Landfills and Dumping” Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 22 of the Code of the Town of Lancaster is hereby amended by deleting Section 22-8 (A) (4) and Section 22-8 (D) (6) and adopting in place thereof a new Section 22-8 (A) (4) and a new Section 22-8 (D) (6) as follows:

**CHAPTER 22**  
**SANITARY LANDFILLS AND DUMPING**

**Section 22-8            Dumping and Deposition of Materials Outside Permitted Sanitary Landfills.**

- (A) . . . . .
- (4)        “For landscaping purposes topsoil may be deposited which does not materially alter the existing grade of the property but in no event shall more than 50 yards of topsoil be deposited under this exception for landscape purposes. No material other than topsoil shall be permitted for such landscaping. In the event that landscaping requirements exceed 50 yards of topsoil or the placement of up to 50 yards will materially alter the existing grade then an application for a dumping permit shall be required as set forth in Section 22-8 D.”

**And**

- Section 22-8**
- (D) . . . . .
- (6)        “The Town Clerk of the Town of Lancaster shall issue the permit after same has been approved by the Town Board. Such permit shall be valid for one (1) year from the date of issuance.”

February 4, 2008

**STATE OF NEW YORK    :**  
**COUNTY OF ERIE        :**        **SS:**  
**TOWN OF LANCASTER :**

This is to certify that **I, JOHANNA M. COLEMAN**, Town Clerk and Registrar of Vital Statistic of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of amendment to ordinance with the original thereof filed in my office at Lancaster, New York, on the 4th day of February, 2008 and that the same is a true and correct copy of said original and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said Town this 4th day of February, 2008.

\_\_\_\_\_  
Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, pursuant to Article 7.1.1 of the CSEA White Collar Contract, Karen Plewik, Clerk Stenographer in the Town of Lancaster Police Department, by letter dated January 29, 2008 has requested a leave of absence without pay, and

**WHEREAS**, the Chief of Police by letter dated January 30, 2008 has recommended the granting of this unpaid leave of absence.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Karen Plewik, be and is hereby granted an unpaid leave of absence, in accordance with Article 7.1.1 of the CSEA White Collar Contract, with no benefits, for the period beginning February 1, 2008 through April 4, 2008.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, Wm. Schutt & Associates, P.C., the Town’s consulting engineer,  
has requested that the Town Board authorize an invitation to bid for the Consolidated Water  
District Water System Improvements Contract No. TLN-2, and

**WHEREAS**, the Town Board has given due review and consideration to the  
request and deems it in the public interest to invite public bids in conformance with General  
Municipal Law §103 of the State of New York;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby invites  
public bid for Contract No. TLN-2, said bids to be in conformance with the plans and  
specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central  
Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central  
Avenue, Lancaster, New York, no later than 11:00 A.M. Local Time on February 28, 2008, and  
opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

TOWN OF LANCASTER  
ERIE COUNTY, NEW YORK

CONSOLIDATED WATER DISTRICT  
WATER SYSTEM IMPROVEMENTS

CONTRACT NO. TLN-2

NOTICE TO BIDDERS

Please take notice that the Lancaster Town will receive sealed bids until 11:00 A.M. on the 28th day of February, 2008, at the office of the Town Clerk in the Town Hall, 21 Central Avenue Lancaster, New York, at which time they will be publicly opened and read aloud for CONSOLIDATED WATER DISTRICT WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-2. The Project consists of the replacement of approximately 13,000 linear feet of waterline on Townline Road.

Contract Documents may be examined at the office of the Town Clerk, 21 Central Avenue, Lancaster, New York 14086 and at the offices of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086, between the hours of 9:00 A.M. and 4:00 P.M. beginning February 7, 2008 except Saturdays, Sundays, and Holidays.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 for each set in the form of two (2) \$25.00 checks made payable to the ENGINEER. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available.

Unsuccessful bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non-bidders will be refunded one-half of the document deposit upon return of full sets of contract documents within thirty (30) days of award of the contract.

Each bid proposal shall be submitted in a sealed envelope, clearly marked: "BID ENCLOSED - "CONSOLIDATED WATER DISTRICT WATER SYSTEM IMPROVEMENTS, CONTRACT NO. TLN-2" and must be accompanied by a bid bond or a certified check made payable to the Town of Lancaster, in the amount of five per cent (5%) of the total amount of the bid.

The Town reserves the right to reject any and all bids, to consider the reputation and experience of any bidders in making it's selection, to waive any informalities or minor deviations from the specifications, and to award the contract to other than the lowest bidder if considered to be in the best interest of the Town of Lancaster.

All bids shall be submitted intact on bidding form available for that purpose, and addressed to:

Johanna Coleman  
Town Clerk  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

ENGINEER  
Wm. Schutt & Associates, P.C.  
37 Central Avenue  
Lancaster, New York 14086  
(716) 683-5961

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF LANCASTER, NY

Johanna Coleman  
Town Clerk  
February 7, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster approved a Map, Plan and Report for the Increase and Improvement of Facilities of the Consolidated Water District on December 18, 2006, and

**WHEREAS**, a Bond Resolution was adopted for a maximum amount not to exceed \$7,000,000.00, and

**WHEREAS**, the Town Board has previously duly advertised for bids for the Consolidated Water District Water System Improvement Contract No. TLN-1 in the Town of Lancaster, and

**WHEREAS**, bids were received, opened and reviewed on January 31, 2008, and

**WHEREAS**, Wm. Schutt & Associates, P.C., the Town’s consulting engineer by letter dated February 1, 2008 has recommended award of the bid to Sergi Construction, being the lowest responsible bidder in the amount of \$1,370,695.00;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby awards the bid for the Consolidated Water District Water System Improvement Contract No. TLN-1 in the Town of Lancaster to Sergi Construction, P.O. Box 436, West Falls, New York 14170\_in the amount of \$1,370,695.00 being the lowest responsible bidder in conformance with the specifications on file in the office of the Wm. Schutt & Associates, P.C.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS,** Lawley Services Insurance Group has submitted a proposal dated January 10, 2008 to assist the Town in the administration and management of its workers compensation program, and

**WHEREAS,** Lawley Services Insurance Group proposes to

- oversee the effectiveness of both Lovell Safety Management Company and the New York State Insurance Fund to contain the Town’s cost of Workers Compensation,
- establish a “First Aid Program” as permitted by Section 110 of the NYS Workers Compensation law preventing small medical claims from being reported to the Workers Compensation Rating Board, which results in a more favorable experience modification,
- Coordinate communication between the Town, Lovell Safety Management Company and the NYS Insurance Fund,
- Oversee quarterly claims review including the open self-insurance legacy claim previously being administered by PERMA and
- Review policy premium billings and payroll audits, and

**WHEREAS,** the annual cost for these services is \$12,000, and

**WHEREAS,** the Supervisor has reviewed the proposal and recommended that the Town enter into an agreement with Lawley Services Insurance Group to provide these services to the Town of Lancaster,

**NOW, THEREFORE, BE IT**

**RESOLVED,** that

that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into an agreement with Lawley Services Insurance Group to provide the services outlined in their proposal dated January 10, 2008 for the period of January 1, 2008 through December 31, 2008 for the fee of \$12,000.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER AMATURA, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 575 to Claim No. 735 Inclusive

Total amount hereby authorized to be paid: \$473,135.12

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

File: Rclams

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver.  
(V/L) = Village of Lancaster

**NEW PERMITS:**

15328	Schiappa Homes	3776 Walden Ave	Er. Dwlg.-Sin.	
15329	Schiappa Homes	3780 Walden Ave	Er. Dwlg.-Sin.	
15330	Schiappa Homes	3782 Walden Ave	Er. Dwlg.-Sin.	
15331	Schiappa Homes	3778 Walden Ave	Er. Dwlg.-Sin.	
15332	Kerl, Robert	1 Woodstream Dr	Install Generator	
15333	Abati, Timothy	561 Lake Ave	Er. Deck	
15334	Natale Building	32 Nicholas Ln	Er. Dwlg.-Sin.	
15335	Torres, Josean	14 Michael Anthony Ln	Er. Shed	
15336	Wilcox Brothers Sign Co	3815 Walden Ave	Er. Sign-Wall	( V / L )

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 4, 2008

## **COMMUNICATIONS & REPORTS:**

48. Harris Hill Golf Center to Town Clerk -  
Notice of application to renew liquor license. DISPOSITION = Town Attorney
49. Diane M. Terranova to Town Clerk -  
Notice of intention to resign effective February 8, 2008. DISPOSITION = Received & Filed
50. Lancaster Central School District to Supervisor -  
Revised notice of renovation and reconstruction projects at various school buildings. DISPOSITION = Received & Filed
51. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held January 16, 2008. DISPOSITION = Received & Filed
52. Planning Board to Town Board -  
Recommendation of approval for rezone petition of 4745 Transit Road; conditions noted. DISPOSITION = Planning Committee
53. Planning Board to Town Board -  
Notice of adjournment for site plan for Aldi's Food Store, 4937 Transit Road; comments noted. DISPOSITION = Planning Committee
54. Town Clerk to Town Board -  
Transmittal of Special Use Permit application for Joe Basil Chevrolet, 5077 Transit Road. DISPOSITION = For Public Hearing on 2/25/2008
55. Village of Lancaster to Town Board -  
Minutes of meeting held January 14, 2008. DISPOSITION = Received & Filed
56. Village of Lancaster to Town Board -  
Minutes of meeting held January 16, 2008. DISPOSITION = Received & Filed
57. Village of Lancaster to Town Board -  
Minutes of meeting held January 23, 2008. DISPOSITION = Received & Filed
58. Wm. Schutt & Associates, P.C. to Town Board -  
Recommend acceptance of Public Improvements for Summerfield Farms Subdivision; namely pavement & curbs, detention basins, storm sewers, and water lines. DISPOSITION = Planning Committee
59. David M. Mansell to Town Board, Planning Board -  
Comments and concerns regarding rezone petition for parcel of Pleasant Meadows Subdivision; attachments noted. DISPOSITION = Planning Committee
60. Erie County Department of Environment & Planning to Supervisor -  
Notice of denial of waiver request from Erie County regarding wetlands of Summerfield Farms Subdivision. DISPOSITION = Planning Committee
61. Erie County Legislature to Town Board -  
Transmittal of items the Erie County Legislature will address in 2008. DISPOSITION = Received & Filed
62. Partners for a Livable Western New York to Supervisor -  
Thank you letter for opportunity to make presentation on Erie Niagara Framework for Regional Growth on February 4<sup>th</sup>. DISPOSITION = Received & Filed
63. Erie County Department of Environment & Planning to Supervisor -  
Comments regarding proposed Windsor Ridge South Subdivision. DISPOSITION = Planning Committee

64. Thomas J. Trzepacz to Supervisor -  
Letter of introduction as Fire Chief of Bowmansville Fire Department.  
DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 10:29 P.M.**

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk